



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MIAMI REGULATORY FIELD OFFICE
11420 NORTH KENDALL DRIVE, SUITE 104
MIAMI, FLORIDA 33176

Regulatory Division
South Permits Branch
SM Regulatory Office
200300203 (LP-PK)
Modification # 13

April 16, 2007

Commanding Officer
U. S. Department of the Navy
Naval Air Facility Key West
P.O. Box 9001
Key West, Florida 33040-9001

Dear Applicant:

Reference is made to modification number 3 of the existing permit to conduct a maintenance dredge of the Key West channel and to dispose of approximately **97,000** cubic yards of spoil material at the EPA approved offshore disposal site. The material is shoaling which is the result of hurricane activity. Modification #3 added special conditions to the permitted activity. These special conditions were required by your proposal to employ a hopper dredge. Special conditions numbers 66 through 69 were added at that time.

The Corps Regulatory Division has been informed that these special conditions need to be changed to better protect marine turtles. In coordination with the Jacksonville District Planning Division's Environmental Branch and the Florida Keys National Marine Sanctuary these special conditions (below) are changed to read,

(66) Dredging operations shall cease if three sea turtles, or two endangered sea turtles are taken until a representative of the Special Projects and Enforcement Branch notifies the Permittee to resume dredging. The Sea Turtle Mortality Report, attached to this permit, will be filled out immediately (within 6 hours) and sent by fax to the Special Projects and Enforcement Branch at 904-232-1904.

(67) Initiate trawling if one sea turtle is taken. The Permittee must initiate trawling and relocation activity in the dredging area within 24-hours of the occurrence of the take. Trawling shall continue until suspended by the a representative of the Special Projects and Enforcement Branch.

(68) Relocation trawling shall begin following the take of one sea turtle and continue until directed by the a representative of the Special Projects and Enforcement Branch. The results of each trawl shall be recorded on Sea Turtle Trawling Report attached to this permit. A summary of all trawls as recorded on the Sea Turtle Trawling Report which includes total trawling times, number of trawls, number of captures, and which summarizes the results of the trawling shall be prepared and submitted to the Special Projects and Enforcement Branch. Any turtles captured during the assessment shall be measured and tagged in accordance with standard biological sampling procedures with sampling data recorded on the Sea Turtle Tagging and Relocation Report attached to this permit. Any captured sea turtles shall be relocated at least 3 miles from the location recorded on the Sea Turtle Tagging and Relocation Report form.

(69) A NMFS-approved sea turtle trawling and relocation supervisor shall provide researchers and nets to capture and relocate sea turtles and conduct sea turtle trawling. Turtles shall be captured with trawl nets to minimize the potential take (lethal or injurious) by the dredge. Methods and equipment shall be standardized including observation sheets, nets, trawling direction to tide, length of station, length of tow, and number of tows per station. Data on each tow shall be recorded using Sea Turtle Trawling Report. The trawler shall be equipped with two 60-foot nets constructed from 8-inch mesh (stretch) fitted with mud rollers and flats as specified in Turtle Trawl Nets Specifications. Trawling shall be conducted with the tidal flow using repetitive 15-30 minute (total time) tows in the channel. Tows shall be made in the center, green and red sides of the


channel such that the total width of the channel bottom is sampled. Positions at the beginning and end of each tow shall be determined from GPS positioning equipment. Tow speed shall be recorded at the approximate midpoint of each tow. Refer to EM 1110-1-1003, paragraph 5.3 and Table 5-1, for acceptable GPS criteria. A copy of the EM can be downloaded from the following website: <http://www.usace.army.mil/inet/usace-docs/eng-manuals/em.htm>.

The impacts of the proposed work on navigation and the environment have been evaluated. The permit is hereby modified.

The permittee is reminded that all other permit special conditions remain valid.

Thank you for your cooperation with our permit program. If you have any questions regarding this letter please contact Paul Kruger at the letterhead address or by telephone at 305-526-7185, fax 305-526-7184.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Paul L. Grosskruger
Colonel, U.S. Army
District Commander